REMARKS

In the Office Action dated July 20, 2006, Claims 7, 8, and 17 were objected to for various informalities. Additionally, Claims 1 and 3-17 were rejected as being anticipated by Microsoft Corporation's "*Microsoft Windows Management Instrumentation Scripting,*" April 1999, pp. 1-15 (hereinafter MWMIS).

Pursuant to 37 C.F.R. § 1.111 and for the reasons discussed below, applicant respectfully requests reconsideration and allowance of the pending claims.

Claim Objections

In regard to the objections to Claims 7 and 8, applicants have corrected the typographical error with regard to the plurality of "Claim/Claims." However, applicants have left the word "Claims" capitalized according to our firm's standards: i.e., each use of the word "claim/claims" that makes reference to a particular claim, such as Claim 1, is capitalized. Nevertheless, if the Examiner would still object, applicants will amend the capitalization thereof.

In regard to Claims 8 and 17, and particularly to the use of the language "capable of" in the body of the claims, applicants have amended the claims to recite "for performing" consistent with the Examiner's suggestion.

In light of the amendments discussed above, applicant believes this response fully addresses the objections raised in the Office Action and requests that the objections be withdrawn.

Claim Rejections

The Office Action asserts that MWMIS discloses each and every element of Claim 1. Applicants respectfully traverse this rejection.

As amended, applicants assert that MWMIS fails to disclose the following elements:

> **providing an application compiled into an intermediate form from a runtime-aware programming language,** the application being suitable for execution by a runtime engine in a runtime environment; and

> executing the application in a runtime environment having **a runtime engine configured to execute applications compiled into an intermediate form.**

MWMIS describes the use of scripts and scripting languages such as Visual Basic, JavaScript, Perl, and the like. However, as is well understood in the art, scripts are not typically compiled for execution. Rather, they are generally interpreted by a corresponding interpreter. Moreover, in those cases where scripts are compiled, the compiler generates machine instruction code such that an interpreter or other "runtime engine" is not required for their execution.

As scripts themselves cannot be viewed as "**an application compiled into an intermediate form from a runtime-aware programming language,**" they could not be viewed as applications requiring "**a runtime engine configured to execute applications compiled into an intermediate form.**"

In short, applicants assert that MWMIS fails to disclose "providing an application compiled into an intermediate form from a runtime-aware programming language," that the intermediate form application is suitable for execution by "a runtime engine in a runtime environment," and "executing the application in a runtime environment having a runtime engine configured to execute applications compiled into an intermediate form."

As MWMIS fails to disclose each and every element of Claim 1, applicants submit that this claim, and those that depend therefrom, are in condition for allowance. Accordingly, applicants respectfully request that the 35 U.S.C. § 102(b) rejection of independent Claim 1 and dependent Claims 3-9 be withdrawn and the claims allowed.

In regard to Claim 9, applicants submit that similar amendments have been made to this independent claim and, therefore, MWMIS fails to disclose each and every element of the claim. In particular, Claim 9 recites the following that is not disclosed by MWMIS:

> receiving a request **from an application compiled from source written in a runtime-aware language into an intermediate form** for instrumentation data.

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As discussed above, MWMIS fails to disclose an application compiled to an intermediate form for execution on a runtime engine in a runtime environment. Moreover, as MWMIS fails to disclose each element of independent Claim 9, MWMIS further fails to disclose each and every element of dependent Claims 10-17, especially when these dependent claims are read in combination with independent Claim 9.
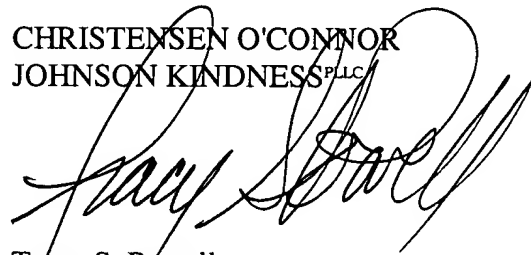
In light of the above, applicants respectfully request that the 35 U.S.C. § 102(b) rejection of independent Claim 9 and dependent Claims 10-17 be withdrawn and the claims allowed.

Conclusion

Applicants submit that the pending claims are now in condition for allowance. Reconsideration and early allowance of the pending claims is requested. If the Examiner has any questions regarding this matter, the Examiner is invited to contact the applicant's representative at the number below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first-class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: _October 19, 2006_

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